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UNCLAS SECTION 01 OF 03 NEW DELHI 003058

SIPDIS

TO MARK TAYLOR IN G/TIP

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TAGS: [IN](#) [KCRM](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [PTER](#) [SOCI](#) [KTIP](#)
SUBJECT: INDIA: TIP INTERIM ASSESSMENT

REF: A. STATE 109260
[B](#). NEW DELHI 3015

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Per request in Ref A, below is post's submission for the TIP interim assessment:

Prosecutions

[1](#). (SBU) Criminal prosecutions against individuals for trafficking offenses remain a challenge in India, due to several inherent problems. Law and order is a state responsibility per the Indian constitution, which makes it difficult for the central government to intervene to enforce laws effectively. The police continue to be a weak link since they are underpaid, spread thin, lack awareness of trafficking, and operate within a culture where most people have little respect for the law. Conducting prosecutions and obtaining convictions are further hampered since witnesses are often reluctant to testify because they are bribed or fear for their safety. (See Ref B). However, things are beginning to change.

[2](#). (SBU) According to Ministry of Labour and Employment Joint Secretary Siddharth Dev Verman, the GOI initiated 77,617 prosecutions and obtained 22,657 convictions over the past ten years for violations of the Child Labor law. The GOI is planning to create 297 anti-human trafficking units over a period of four years with an investment of approximately \$18.64 million U.S. The nationwide effort is based upon the successful joint GOI/USG/UN Office on Drugs and Crime (UNODC) pilot project that trained and sensitized law enforcement officials in five target states. The GOI will also train 6894 police personnel on anti-human trafficking issues at both the central and state levels.

Centralized Law Enforcement Authority

[3](#). (U) Although the Ministry of Women and Child Development (MWCD) remains the nodal agency on TIP issues, several other GOI ministries maintain significant roles and possess heavier clout under Indian law. The Ministry of Home Affairs (MHA) is responsible for law enforcement regarding TIP. The Ministry of Labour and Employment (MOLE) retains control over all aspects of TIP and labor, while the Ministry of Overseas Indian Affairs (MOIA) has jurisdiction over issues pertaining to emigration and exploitation of Indian nationals outside of India. Coordination across the various Indian agencies remains a challenge, especially since the GOI lacks an established and strong interagency process.

[4](#). (U) The Ministry of Home Affairs created a "nodal cell"

in 2006 to coordinate anti-TIP law enforcement activities on behalf of the GOI, and convenes periodic meetings with state officials on trafficking. Although we continue to urge the GOI to expand that cell, it has not done so thus far. Historically, the GOI requires time and sustained efforts to be able to develop a consensus within the Indian bureaucracy and move forward with a new approach regarding any particular issue.

15. (SBU) The MHA is also responsible for countering terrorism; its top leadership has been understandably focused on improving GOI coordination against terrorism over the past several years in response to continuing terrorist strikes on Indian soil. Despite the constant terrorist threat to India's national security, the GOI has still not created a federal counter-terrorism entity to coordinate nationwide and among states. (Note. In the wake of the unprecedented Mumbai terrorist strikes, the media reports the GOI plans to establish a federal entity focused on combating terrorism.) As is the case in most nations, trafficking---unlike terrorism---is not perceived as a national security threat. Thus, one should not be surprised the GOI has not been able to make as much progress on this issue as we would like.

16. (SBU) The Ministry of Women and Child Development is creating a National Missing Children Tracking System to assist in the return of missing, runaway, abducted, or trafficked children to their families. This system will link India's 28 state capitals. The MWCD is also producing a website that various users---NGOs, police, and the general public---can access to help locate and return missing children. The MWCD included the website's creation as part of the ministry's Child Protection Scheme in the GOI's 11th Five-Year Plan (2007-2012) that is currently being implemented. This website will become operational by the

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beginning of 2009.

Law Enforcement Efforts

17. (U) During the interim period of July 1 to December 31, two prominent cases of trafficking illustrate the GOI's growing law enforcement focus on the problem. In September 2008, the Ministry of Overseas Indian Affairs (MOIA) quickly ordered an inquiry after reports surfaced of girls from northeastern India being trafficked to Malaysia for sex work.

An Imphal-based travel agent lured the girls with promises of well-paid jobs in Singapore. Instead, traffickers sold them to a club in Kuala Lumpur. After the MOIA alerted Indian embassies in Singapore and Malaysia, embassy officials promptly rescued the girls and paid for their repatriation to India. The GOI arrested the travel agent in Imphal and has recognized that the North-East is emerging as a source-transit-destination point for trafficking of women and children.

18. (U) On October 30, a New Delhi city court sentenced Mr. Chander Shekhar, a former employee of the non-governmental organization Prayas, to two years in jail after he was convicted of child trafficking. The Delhi police arrested Shekhar in September 2006 after a television journalist exposed the trafficking racket by catching Shekhar on camera agreeing to sell three children for 30,000 rupees (approximately \$600 U.S.) to gold smugglers.

19. (SBU) The Ministry of Labour and Employment (MOLE) continues to make concerted efforts against trafficking of children for labor. In May 2008, The Ministry issued a "Protocol on Prevention, Rescue, Repatriation and Rehabilitation of Trafficked and Migrant Child Labour," that seeks to provide practical guidelines to key stakeholders on crucial issues relating to trafficked and migrant child labor. MOLE plans to hold four regional workshops in December to disseminate information on the new protocol,

which calls for each district in India to create a taskforce.

¶10. (U) Responding to a question raised in Parliament on October 22, 2008, Minister for Labour and Employment Oscar Fernandes stated during the period April 2007 to March 2008, 716 bonded laborers had been rescued and rehabilitated from the states of West Bengal, Uttar Pradesh, Bihar, Madhya Pradesh, and Haryana.

Other Significant Developments

¶11. (SBU) The Ministry of Women and Child Development (MWCD) is also making vigorous efforts to combat trafficking. In a meeting with Poloff on October 31, 2008, Joint Secretary Manjula Krishnan stressed that the ministry is committed to being proactive and thinking "out-of-the box." MWCD has explored public-private partnerships as one way to help industries ensure labor is not exploitative and provide for rehabilitative training and upgrading of workers' skills. Krishnan stated she has already visited Sweden and the United Kingdom to look at their models, and expressed interest in the State Department's Corporate Social Responsibility program. In addition to the Swadhar Scheme that provides shelter and support to women in distress, MWCD has initiated Ujjawala a comprehensive new plan for the prevention, rescue, rehabilitation, and reintegration of trafficking victims. Since August 2008, MWCD has provided the four states of Karnataka, Maharashtra, Manipur and Nagaland approximately 12,135,900 rupees (approximately \$242,718 U.S.) for a total of 18 projects at 12 rehabilitation centers.

¶12. (U) MOLE continues to expand the list of occupations and activities that are banned from employing children. In September 2008, MOLE added nine items including diving, mechanized fishing, food processing, timber handling, processes involving exposure to free silica.

¶13. (SBU) The Indian cabinet is considering amendments to the Prevention of Immoral Traffic Prevention Act (ITPA), 1965 that widen its scope, focus on traffickers, and make implementation more effective. Major amendments include deletion of sections that provide punishment for seducing or soliciting for purpose of prostitution and that pertain to removal of a prostitute from any place. The MWCD proposed the amendments in light of the fact that women and children involved in prostitution are victims of trafficking, and charging them under the currently worded sections re-victimizes them. The delay in introduction of the

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amendments to Parliament is partly due to differing views within the cabinet. According to Krishnan, the Ministry of Health is concerned that one amendment which criminalizes demand will have an adverse impact on the GOI's HIV/AIDS programs. There are also some outstanding legal issues.

Comment

¶14. (SBU) Although comprising a single political unit and nation state, India is as culturally and linguistically diverse as all the nations of Europe put together. Varying economic levels, religious backgrounds, social and caste divisions, and the central government's relative weakness in comparison to states on the subject of law and order add further complications and challenges to GOI efforts to effectively combat trafficking in persons. We must acknowledge the complex context and reality within which the GOI operates.

¶15. (SBU) In the wake of the Mumbai terrorist attacks, the GOI coalition government faces upcoming parliamentary elections to be held by May 2009 in a seriously weakened position. At best, we expect the GOI to make continued

progress at a slow and steady pace rather than through well-coordinated interagency efforts aimed at quickly achieving uniform progress across the breadth and length of India.

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